

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: JUUL LABS, INC. MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION	MDL Case No. 19-md-02913-WHO
THIS DOCUMENT RELATES TO: NesSmith et al., Plaintiffs, v. JUUL Labs, Inc., Altria Group, Inc., Philip Morris USA, Inc., Altria Client Services, Altria Group Distribution Company, Altria Enterprises LLC, James Monsees, Adam Bowen, Nicholas Pritzker, Hoyoung Huh, and Riaz Valani, Defendants.	PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO SUBSTITUTE PARTIES AND FOR LEAVE TO FILE PROPOSED AMENDED COMPLAINT Case No. 19-cv-06344

**PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION TO SUBSTITUTE PARTIES
AND FOR LEAVE TO FILE PROPOSED AMENDED COMPLAINT**

Plaintiffs Erin NesSmith and Jared NesSmith, by and through counsel, respectfully file this reply in support of their motion to substitute parties and for leave to file the proposed amended complaint. The Court should grant the motion for the reasons stated therein. *See* Dkt. No. 4328. Further, Defendants did not file a responsive pleading.

1. Erin NesSmith and Jared NesSmith are the parents and duly appointed Personal Representatives of the Estate of Ashlynn NeSmith.
2. Ashlynn NesSmith passed away on July 27, 2024.
3. The Court was informed of Ms. NesSmith's passing on August 7, 2024, by the parties' joint discovery report. *See* Dkt. No. 4279.
4. There, JLI noted that it did not object that Plaintiffs' counsel was working on opening an estate and expected to file an amended, long form complaint within 90 days. JLI

- 1 requested that the Additional Discovery and motion deadlines of the Scheduling
2 Order provided in Dkt. No. 4278 be moved 90 days to accommodate this extension.
3
4 5. On August 14, 2014, The Court granted “JLI’s request to extend the Additional
5 Discovery and related motions deadlines by 90 days for the *NesSmith* action, required
6 by the filing of the contemplated amended longform complaint.” Dkt. No. 4283.
7
8 6. JLI filed a Suggestion of Death Upon the Record on September 13, 2024.
9
10 7. Plaintiffs filed a motion to substitute parties and for leave to file a proposed amended
11 complaint (which was an individualized the long-form complaint) on October 25,
12 2024.
13
14 8. Defendants’ responses were due on November 8, 2024. None of the Defendants
15 submitted a response.
16
17 9. For the reasons expressed in the motion to substitute, Plaintiffs respectfully request
18 the Court to substitute Erin NesSmith and Jared NesSmith, personal representatives
19 of the Estate of Ashlynn NesSmith as the parties for the Plaintiffs in this action, and
20 to deem the proposed amended complaint filed *nunc pro tunc* as of October 25, 2024.
21
22 WHEREFORE, Plaintiff respectfully requests the Court to grant the motion and grant
23 such other and further relief the Court deems just and proper.
24
25

26 DATED: November 15, 2024

27 Respectfully submitted,

28 /s/ Jeffrey L. Haberman

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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2024, I served a copy of the foregoing on the Clerk of Court by CM/ECF, which will provide automatic notification to all parties and counsel of record.

By: /s/ Jeffrey L. Haberman
Jeffrey L. Haberman